

Message Text

CONFIDENTIAL

PAGE 01 GENEVA 00926 121822Z

61

ACTION SS-25

INFO OCT-01 ISO-00 /026 W

----- 129309

R 121735Z FEB 75

FM USMISSION GENEVA

TO SECSTATE WASHDC 649

C O N F I D E N T I A L GENEVA 0926

EXDIS

STADIS//////////

FROM ALDRICH FOR LEGAL ADVISER

E.O. 11652: GDS

TAGS: ICRC, PARM, VS, VN, PFOR

SUBJECT: US MILITARY PERSONNEL IN SOUTH VIETNAM

REF: STATE 31348

1. UNDER ARTICLES 5 AND 7 OF THE 1973 VIETNAM AGREEMENT, USG WAS REQUIRED TO WITHDRAW ALL ITS MILITARY PERSONNEL AND MILITARY ADVISERS, AND THE GVN WAS FORBIDDEN TO ACCEPT THE SUBSEQUENT INTRODUCTION OF US MILITARY PERSONNEL OR MILITARY ADVISERS. AS I MENTIONED IN MY EARLIER TELEGRAM, THERE WAS AN UNDERSTOOD EXCEPTION FOR DAO AND EMBASSY MARINE GUARD PERSONNEL AND A DE MINIMUS RULE, IN WHICH I CONCURRED, COVERING MILITARY PERSONNEL TRANSITING SVN OR OTHERWISE THERE ONLY A DAY OR TWO. DOD THREE-DAY RULE DOUBTLESS BASED ON THE DE MINIMUS CONCEPT. I DOUBT THAT IT CAN BE STRETCHED MUCH FURTHER, CERTAINLY NOT TO COVER A PERIOD OF WEEKS.

2. FUNCTIONS OF US PERSONNEL IN SVN ARE RELEVANT TO WHETHER CIVILIANS ARE OR ARE NOT TO BE CONSIDERED "MILITARY ADVISERS", BUT THEY ARE IRRELEVANT WITH RESPECT TO ACTIVE DUTY MILITARY PERSONNEL. I AGREED THAT, IF THE PRESENT TASK CAN BE PERFORMED BY
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GENEVA 00926 121822Z

PERSONNEL SENT TO THE DAO WITHOUT THEREBY EX-

CEEDING THE UNDERSTOOD CILING ON TOTAL DAO MILITARY
PERSONNEL, THAT WOULD SOLVE THE PROBLEM. IF THE
TASKS CAN BE PERFORMED BY CIVILIANS, THEN IT MAY ALSO
BE POSSIBLE TO AVOID VIOLATIONS OF THE AGREEMENT BY
SENDING CIVILIANS, INSTEAD OF MILITARY PERSONNEL, BUT
THAT WOULD REQUIRA SUPPORT FOR THE ARGUMENT THAT THE
TASK WAS NOT, REPEAT NOT, TO ASSIST THE GVN BUT WAS
SOLELY FOR USG PURPOSES.HOWEVER,DESCRIPTION OF
DUTIES OF THOSE PERSONNEL CONTAINED IN SAIGON'S 1496
MAKES THIS TYPE OF ARGUMENT SEEM QUESTIONALBE.DALE

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY PERSONNEL
Control Number: n/a
Copy: SINGLE
Draft Date: 12 FEB 1975
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975GENEVA00926
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750051-0989
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750251/aaaabtls.tel
Line Count: 71
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: EXDIS
Reference: 75 STATE 31348
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 24 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <24 JUN 2003 by KelleyW0>; APPROVED <25 JUN 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: US MILITARY PERSONNEL IN SOUTH VIETNAM
TAGS: PARM, PFOR, VS, VN, US, ICRC
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006